

**ANBAR RULE OF LAW/JUDICIAL
COMPLEX
RAMADI, IRAQ**



**SIGIR PA-08-152
JANUARY 27, 2009**

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SIGIR

Special Inspector General for IRAQ Reconstruction

January 27, 2009

Summary of Report: PA-08-152

Why SIGIR Did This Study

SIGIR is charged to conduct assessments of Iraq reconstruction projects funded with amounts appropriated or made available by the U.S. Congress. SIGIR assessed this project to provide real-time information on relief and reconstruction to interested parties to enable appropriate action, when warranted.

The objective of this project assessment was to determine if:

- project components were adequately designed prior to construction or installation
- construction or rehabilitation met the standards of the design
- contractor's quality control program and the U.S. government's quality assurance program were adequate
- project sustainability was addressed
- project results were consistent with original objectives

What SIGIR Recommends

The assessment found no significant deficiencies. As a result, this report does not contain any negative findings or recommendations for corrective action. Although management comments were not required, the Gulf Region Division reviewed the report and generally agreed with the facts as presented, provided additional information, and clarifying comments. We modified the draft report as appropriate to include the additional information and clarifying comments.

For more information, contact SIGIR Public Affairs at (703) 428-1100 or PublicAffairs@sigir.mil

Anbar Rule of Law/Judicial Complex

What SIGIR Found

On November 18, 2008, SIGIR performed an on-site assessment of the Anbar Rule of Law Complex project. The \$21.4 million project was funded from the Iraq Relief and Reconstruction Fund, the Iraq Security Forces Fund, and the Iraq Interim Government Fund. Due to security concerns, the total time available on site was approximately two hours; therefore, a complete review of all finished work was not possible.

The objective of the project was to design and construct the Anbar Rule of Law Complex, which will establish a secure environment in the Anbar province for Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation.

The contractor's design was sufficient to renovate the existing facilities and construct new facilities to comprise the entire Anbar Rule of Law Complex.

SIGIR did not observe significant deficiencies associated with the quality of workmanship during the site visit. The contractor's quality control plan was sufficiently detailed to effectively guide the contractor's quality management program. The U.S. government quality assurance program was effective in monitoring the contractor's quality control program. The Gulf Region Central project engineer was able to visit the project site 3-4 times per week for approximately 6 hours at a time which allowed the project engineer the opportunity to interact with the contractor.

The contract specifications require the contractor to provide and certify warranties in the name of the appropriate ministry for all materials and equipment. In addition, the contractor must perform operations and maintenance training appropriate to the facilities and equipment installed, constructed, or rehabilitated in the scope of this project and must provide operations and maintenance manuals.

The Anbar Rule of Law Complex project results are consistent with the project objectives. This complex should provide Anbar province with a secure environment to enforce the rule of law. Specifically, the renovation portion of this project will provide three separate courthouses for judges to hear cases, a pre-trial detention facility, and facilities for training and office purposes.





SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

January 27, 2009

MEMORANDUM FOR COMMANDING GENERAL, UNITED STATES CENTRAL
COMMAND
COMMANDING GENERAL, MULTI-NATIONAL FORCE-
IRAQ
COMMANDING GENERAL, GULF REGION DIVISION,
U.S. ARMY CORPS OF ENGINEERS
COMMANDING GENERAL, JOINT CONTRACTING
COMMAND-IRAQ/AFGHANISTAN
DIRECTOR, IRAQ TRANSITION ASSISTANCE OFFICE

SUBJECT: Report on the Anbar Rule of Law/Judicial Complex, Ramadi, Iraq (SIGIR
Report Number PA-08-152)

We are providing this project assessment report for your information and use. We assessed the design and construction work being performed at the Anbar Rule of Law/Judicial Complex, Ramadi, Iraq, to determine its status and whether intended objectives will be achieved. This assessment was made to provide you and other interested parties with real-time information on a relief and reconstruction project underway and in order to enable appropriate action to be taken, if warranted.

This report does not contain any negative findings or recommendations for corrective action. Although management comments were not required, the Gulf Region Division reviewed the report and generally agreed with the facts as presented and provided additional information and clarifying comments. The draft report was modified as appropriate to include the additional information and clarifying comments.

We appreciate the courtesies extended to our staff. If you have any questions please contact Mr. Brian Flynn via e-mail at brian.flynn@iraq.centcom.mil or at DSN 318-239-2485. For public affairs queries concerning this report, please contact SIGIR Public Affairs at publicaffairs@sigir.mil or at 703-428-1100.

Stuart W. Bowen, Jr.
Inspector General

Special Inspector General for Iraq Reconstruction

SIGIR PA-08-152

January 27, 2009

Anbar Rule of Law/Judicial Complex Ramadi, Iraq

Synopsis

Introduction. This project assessment was initiated as part of SIGIR's continuing assessments of selected reconstruction activities for the security and justice sector. The overall objectives were to determine whether selected sector reconstruction contractors were complying with the terms of their contracts or task orders and to evaluate the effectiveness of the monitoring and controls exercised by administrative quality assurance and contract officers.

Project Objective. The objective of the project was to design and construct the Anbar Rule of Law Complex, which will establish a secure environment within the Anbar province for Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation. This \$21.4 million project was funded from multiple sources: the Iraq Relief and Reconstruction Fund, the Iraqi Security Forces Fund, and the Iraq Interim Government Fund. The U.S. government funded portion of the project was \$12,841,104.50¹ and Iraqi funding contributed \$8,620,800.50 to the project.

At the time of the site visit, the Iraq Relief and Reconstruction Fund portion of the project was approximately 70% complete.

Project Assessment Objective. The objective of this project assessment was to provide real-time relief and reconstruction project information to interested parties to enable appropriate action, when warranted. Specifically, SIGIR determined whether:

1. Project components were adequately designed prior to construction or installation;
2. Construction or rehabilitation met the standards of the design;
3. The contractor's quality control program and the U.S. government's quality assurance program were adequate;
4. Project sustainability was addressed; and
5. Project results were consistent with original objectives.

Conclusions. The assessment determined that:

1. The contractor's design was sufficient to renovate the existing facilities and construct new facilities to comprise the entire Anbar Rule of Law Complex. The design submittals included architectural, electrical, mechanical, and plumbing drawings. Design drawings and specifications appeared to be complete and consistent with the requirements of the contract. The design provides enough information and detail for the contractor to renovate and construct the Anbar Rule of Law Complex.

¹ The cost breakdown of U.S. government funding is the following: Iraq Relief and Reconstruction Fund \$6,223,464.20 and Iraqi Security Forces Fund \$6,617,640.30.

2. During the 18 November 2008 site visit, renovation and construction work was still ongoing. Due to security concerns, the on-site visit was only two hours long. In general, the construction appeared to meet the Statement of Work standards. SIGIR did not observe significant deficiencies or any noticeable defects associated with the quality of workmanship during the site visit. The observed construction work associated with the Anbar Rule of Law Complex appeared to meet the standards of the contract.
3. The contractor's quality control (QC) plan was sufficiently detailed to effectively guide the contractor's quality management program. The contractor submitted a QC plan, which based on SIGIR's review, met the standards addressed in Engineering Regulation 1180-1-6 (*Construction Quality Management*). The QC representatives monitored field activities and completed daily reports, which were reviewed by U.S. Army Corps of Engineers (USACE) Gulf Region Central (GRC) Ramadi Resident Office project engineer. The QC daily reports presented a brief background on the work activities performed and major equipment on site. The QC representatives supplemented the daily QC reports with detailed photographs that reinforced the information provided in the reports.

The U.S. government quality assurance (QA) program was effective in monitoring the contractor's QC program. USACE GRC Ramadi Resident Office had dedicated personnel on site. Local Iraqi national QA representatives monitored field activities and completed daily QA reports, which were reviewed by the GRC Ramadi Resident Office project engineer. The daily reports documented the work performed for the day. The QA representatives supplemented the daily QA reports with detailed photographs that reinforced the information provided in the reports.

The single most important aspect of the QA program was the ability of the GRC Ramadi Resident Office project engineer to visit the project site regularly. The project engineer visited the project site 3-4 times per week for approximately 6 hours at a time. The ability to routinely visit the project site allowed the project engineer the opportunity to interact with the contractor and mentor the on-site local national QA representatives. For example, in August 2008, the contractor submitted incomplete design drawings. The GRC Ramadi Resident Office project engineer visited the project site to discuss the current status of the designs directly with the contractor. These visits were crucial for correcting the incomplete designs and ultimately led to resolution of the issue.

The GRC Ramadi Resident Office's vigorous QA program is ensuring the successful completion of the Anbar Rule of Law Complex.

4. Sustainability was addressed in the contract requirements. The contract specifications require the contractor to provide and certify warranties in the name of the appropriate ministry for all materials or equipment, including any mechanical, electrical and/or electronic devices, and all operations for one year after final acceptance of the entire project. In addition, the contract required the contractor to conduct site-specific operations and maintenance training appropriate to the facilities and equipment installed, constructed, or rehabilitated in the scope of this project. The contractor must provide operations and maintenance manuals, written in Arabic and English, which include the standard operating procedures for all equipment and systems, and standard maintenance procedures and recommended spare parts lists for all equipment.

5. The Anbar Rule of Law Complex project results, to date, are consistent with the original project objectives. As a result of the renovation and construction, this rule of law complex will establish a secure environment in the Anbar province for Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation. Specifically, the renovation portion of this project will provide three separate courthouses for judges to hear cases, a pre-trial detention facility, and facilities for training and office purposes.

Recommendations and Management Comments. This report does not contain any recommendations for corrective action. Although management comments were not required, the Commanding General, Gulf Region Division (GRD) provided comments. GRD stated it reviewed the report and generally agreed with the facts as presented. However, the GRD believed that SIGIR needs to provide additional emphasis on the improved security conditions that currently exist in Iraq. Specifically, the GRD stated the prior situation concerning the almost pervasive atmosphere of fear and intimidation has been greatly ameliorated by U.S. forces and the Government of Iraq seems to be making progress towards a rule of law society. Finally, the GRD mentioned it objected to the use of USACE documentation to represent the state of the Iraqi judiciary.

Evaluation of Management Comments. SIGIR appreciates the GRD's comments to the draft report indicating it agreed with the facts presented in the report.

With respect to the GRD's belief that SIGIR should provide additional emphasis on the improved security conditions currently existing in Iraq, this is outside the scope of SIGIR's assessment. SIGIR cannot comment on the security conditions at the Anbar Rule of Law/Judicial Complex beyond stating that during the site visit, the U.S. military and GRD's personal security details were required to provide perimeter and individual security for the SIGIR inspection team. In addition, SIGIR was required to wear personal protective equipment at all times while inspecting the facilities.

In several instances, GRD took issue with or questioned the validity of statements in the draft of this report which we obtained from the GRD's project fact sheet for the Al Anbar Judicial Complex. For instance, in the Background section of the report, we cited information from the GRD project fact sheet which stated that "criminal judges are unable and/or unwilling to hear major crimes cases due to consistent threats and intimidation from terrorists and other anti-government forces..." GRD's comment to SIGIR regarding the inclusion of this information in our report was that, "We also suggest that 'are unable and/or unwilling' be changed to 'do not' unless SIGIR has additional information on the thought processes of the Iraqi judiciary." We modified the draft report in this instance to reflect GRD's revised position and in others where appropriate to address the comments.

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Introduction

Background

After the fall of the Saddam Hussein regime and in an effort to promote democracy, the Coalition Provisional Authority endorsed the establishment of rule of law.

Rule of Law

“Rule of law” meant the provision of effective police, courts, and prisons. Specifically, it is the principle of governance which holds that all persons, institutions, and entities, both public and private, including the State itself, are accountable to the following laws:

- laws that have been publicly passed by a body representative of the people
- laws that are enforced equally by police who themselves follow the law
- laws reviewed, interpreted, and applied by a judiciary that is evenhanded and independent.

The heart of the rule of law is the concept that the criminal suspect’s fate depends not on who the person is (what sect, tribe, ethnic group, or regional origin) but on what that person did.

Dangers Facing Judges Enforcing Rule of Law

According to a Gulf Region Division (GRD) fact sheet for the Al Anbar Judicial Complex, throughout Iraq, criminal judges do not hear major criminal cases due to consistent threats and intimidation from terrorists and other anti-government forces. Other sources reported that nearly 50 judges have been assassinated in the past five years, along with an unaccounted number of lawyers. House bombings, kidnappings, and assassination attempts are distressingly common.

The GRD fact sheet also states that the failure of these judicial officials to properly investigate, refer, and try major criminal cases exacerbates existing overcrowding problems within virtually all detention centers in the vicinity of major operations.

Joint Campaign Plan

The Joint Campaign Plan (JCP) was developed and approved by the U.S. Embassy in Iraq and Multinational Force – Iraq as a top level strategic planning document for both the Embassy and Multinational Force – Iraq missions. The original strategy is a comprehensive plan that has both near-term and long-term goals in four critical areas – political, security, economic, and diplomatic. The hope is that sufficient progress might be made at the local level to encourage accommodation at the national level and vice versa. The plan also calls for efforts to encourage the rule of law, such as the establishment of secure zones in Baghdad and other cities to promote criminal trials and process detainee cases.

Near and Long Term Goals of JCP

The goals of the JCP are the following:

- increase security for judges and other justice participants
- support Government of Iraq (GOI) with efforts to integrate police, courts, and prisons; reduce sectarian influence; train and mentor judicial and police investigators; and counter corruption by prosecuting GOI officials who violate the law
- extend trials of major crimes throughout Iraq
- promote humane and lawful GOI detention operations throughout Iraq

Rusafa Model

In order to allow the three main criminal justice institutions – police, courts, and prisons – to work together free from intimidation or attack, secure complexes commonly referred to as Rule of Law Complexes were created.

The first Rule of Law Complex established was Rusafa, which is located in a guarded compound near the center of the city of Baghdad. The Rusafa Rule of Law Complex includes a detention center, the Baghdad Police College, and a branch of the Central Criminal Court of Iraq. In its first two months of operation, Iraqi lawyers at the center saw 500 of the 7,000 detainees imprisoned nearby.

Due to its early successes, the Rusafa Rule of Law Complex became known as the “Rusafa Model” and spawned the creation of additional rule of law complexes throughout Iraq. The basic tenets of the Rusafa Model are the following:

- securable location
- central location
- seat of longstanding civil authority
- pre-existing infrastructure

Figure 1 provides the location of the completed, currently constructed, and proposed rule of law complexes in Iraq.

Anbar Rule of Law Complex²

According to U.S. Army Corps of Engineers (USACE) documentation, the Anbar Judicial Complex will establish a secure environment, similar to the Rusafa Rule of Law Complex in Baghdad, within the province to enable Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation.

² The Al Anbar Rule of Law/Judicial Complex project is also referred to in various documents related to it as the Anbar Rule of Law Complex or the Ramadi Rule of Law Complex. For consistency within this report, unless used in a verbatim quotation, we refer to it as the Anbar Rule of Law Complex.



Figure 1. The location of existing, in construction, and proposed sites for Rule of Law Complexes
(Courtesy of USACE)

Objective of the Project Assessment

The objective of this project assessment was to provide real-time relief and reconstruction project information to interested parties to enable appropriate action, when warranted. SIGIR conducted this limited scope assessment in accordance with the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency. The assessment team comprised an engineer/inspector and two auditors/inspectors. Specifically, SIGIR determined whether:

1. Project components were adequately designed prior to construction or installation;
2. Construction or rehabilitation met the standards of the design;
3. The contractor's quality control (QC) program and the U.S. government's quality assurance (QA) program were adequate;
4. Sustainability was addressed; and
5. Project results were consistent with original objectives.

Pre-Site Assessment Background

Contract, Task Order and Costs

Contract W91GDW-07-D-2013³, an Indefinite Delivery/Indefinite Quantity contract, was awarded to ALMCO Limited on 17 September 2007. Delivery order 0006, awarded on 25 April 2008, required the design and construction of the Anbar Rule of Law Complex. The original delivery order stated that there were several contract line item numbers, which as funding became available, would move from the unfunded column of the contract line item numbers structure to the total price column.

Modification 01, dated 27 May 2008, added additional contract line item numbers (CLINs) and increased the total project cost by \$6,794,812.30 (from \$14,667,092.70 to \$21,461,905.00).

Due to funding limitations, this project was funded from multiple sources – Iraq Relief and Reconstruction Fund (IRRF), Iraqi Security Forces Fund (ISFF), and Interim Iraqi Government Fund (IIGF)⁴. The U.S. government funded portion of the project was \$12,841,104.50⁵ and Iraqi funding contributed \$8,620,800.50 to the project.

The period of performance to complete the entire project was one year from the date of the notice to proceed (NTP), which was issued 13 May 2008.

Project Objective

According to GRD, throughout Iraq criminal judges have not heard major criminal cases due, in part, to a past history of consistent threats and intimidation from terrorists and other anti-government forces. The objective of the project was to design and construct the Anbar Rule of Law Complex, which will establish a secure environment within the Anbar Province for Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation.

Description of the Facility (preconstruction)

The description of the facility (preconstruction) was based on information obtained from project file. The Rule of Law Complex project is located in the city of Ramadi, Anbar province, at Hurricane Point (which is a civilian location nearby but not located on Camp Ramadi). To the north and west, Ramadi is bounded by the Euphrates River, while to the east and south it gradually merges with the suburbs. While there is no consensus on the city's population, it has recently been estimated at approximately 500,000 residents.

³ This is one of six Iraq – Multiple Award Construction Contracts (I-MACC) awarded. A Multiple Award Construction Contract is a multiple award, competitive design build, partial/full design Indefinite Delivery/Indefinite Quantity construction acquisition involving three work elements: Design-build, Partial Design, and Full Design. Projects are based on a general statement of work further defined with each individual Task Order. Work will consist of multiple disciplines in general construction categories for various facilities throughout the country of Iraq.

⁴ In 2004, the Iraqi Interim Government established the Iraqi Interim Government Fund, which provided \$136 million from the Development Fund for Iraq for U.S. military commanders to respond to urgent humanitarian relief and reconstruction requirements in their areas of responsibility. The Development Fund for Iraq was the primary repository for Iraqi oil revenues and formerly seized Iraqi assets abroad.

⁵ The cost breakdown of U.S. government funding is the following: IRRF \$6,223,464.20 and ISFF \$6,617,640.30.

The U.S. military headquarters base, in the northern corner of Ramadi, is on the grounds of one of two Saddam-era palaces in the city, first known as Tactical Assembly Area Rifles and later changed to Camp Blue Diamond. Hurricane Point is the peninsula between the forks in the Euphrates River (Figure 2). The site consisted of a large palace and multiple villas that were used for special guests of Saddam. The palace was destroyed during the 2003 invasion and the area was subsequently used as a helipad by the U.S. Marines during its use as a military base.

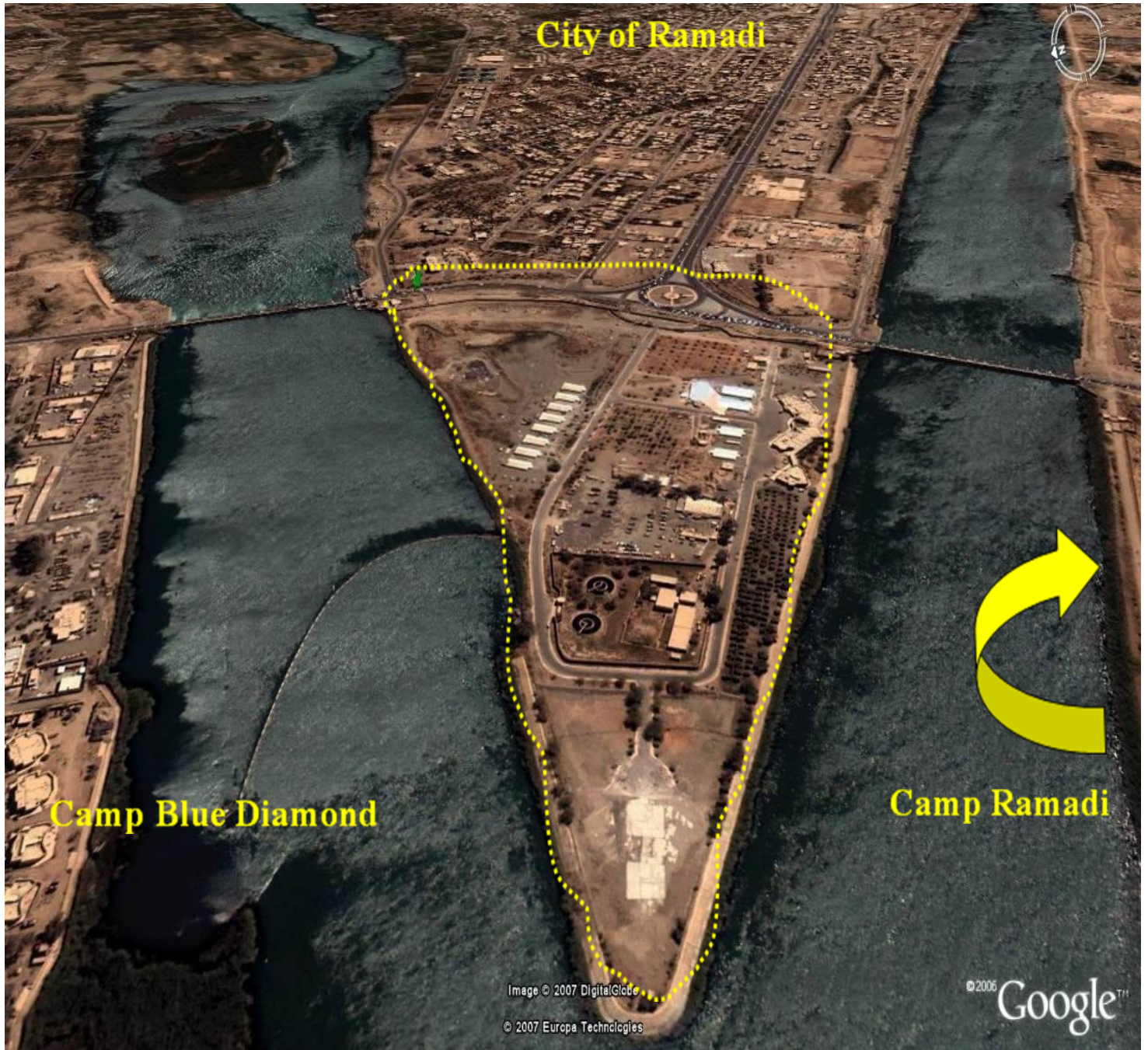


Figure 2. Location of Hurricane Point – the site of the Anbar Rule of Law Complex (Courtesy of GRC)

Scope of Work of the Contract

The scope of work (SOW) for the entire project required the contractor to design and construct the Al Anbar Rule of Law Complex. Specifically, the complex must provide a courthouse, administrative spaces, a pre-trial detention facility, housing for judges' families, and life support services.

For the IRRF-funded portion of this project, the SOW required the contractor to design and renovate the courthouse and numerous buildings, including training, multi-purpose, office, and generator facilities (Figure 3).

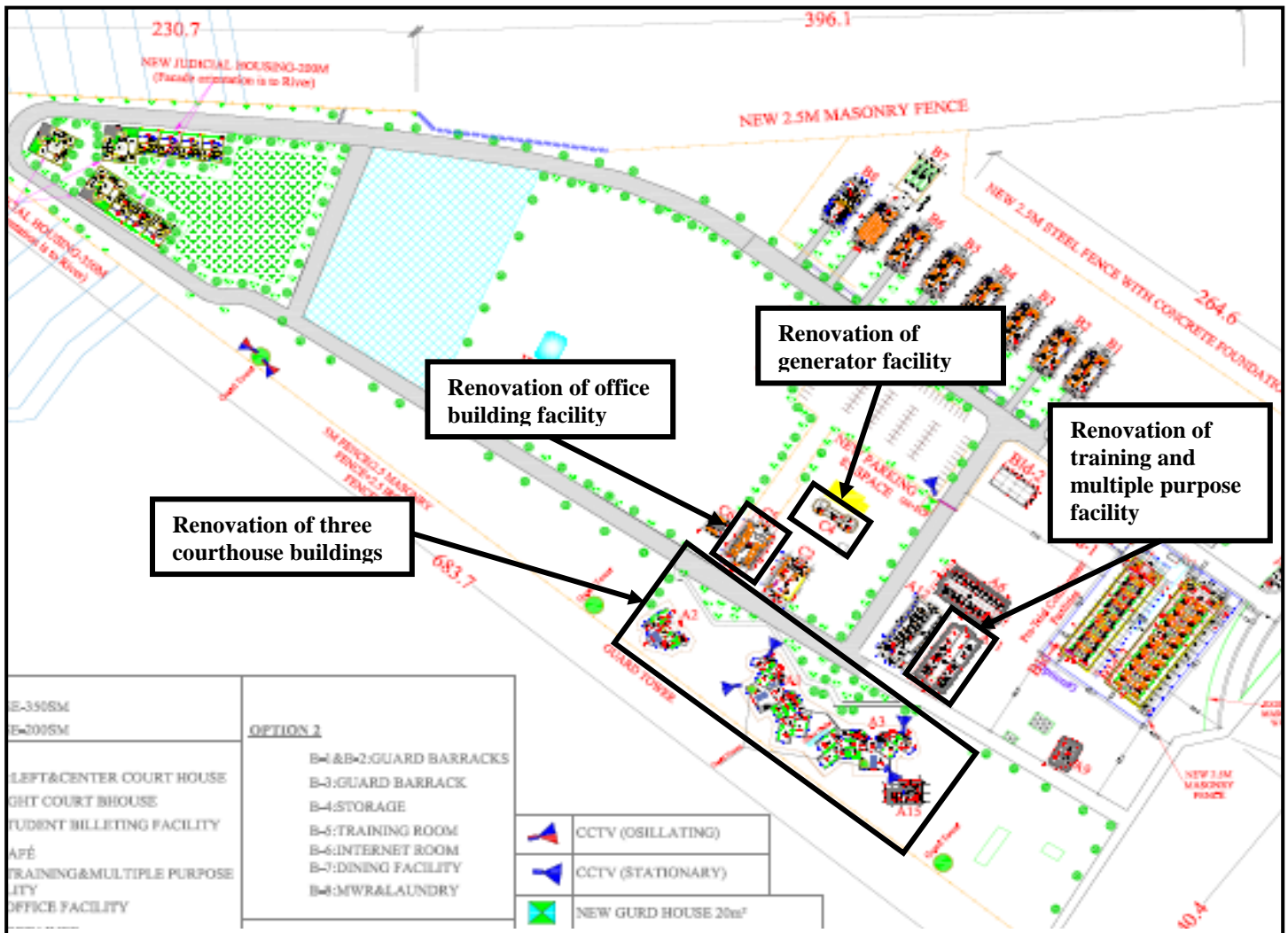


Figure 3. Site plan for the renovation and construction of the Anbar Rule of Law Complex (IRRF-funded work boxed in black) (Courtesy of GRC)

Current Project Design and Specifications

The SOW required the contractor to submit to the USACE Resident Engineer for review and approval architectural and design drawings at the 30%, 60%, and 90% completion level. In addition, the contractor's 100% design drawings must include, but are not limited to, the following:

- survey of existing site as described
- basis of proposed design and calculations
- updated drawings based on the provided concept drawings
- detailed drawings for the electrical layout
- locations, sizes, and types of permanent electrical connection, generator, and transfer switch, if any

In addition, the contractor must submit along with the design, catalog cuts and manufacturer's data of major equipment and materials (prior to purchase) the following:

- basic construction materials (pre-engineered steel building, lights, and poles)
- all electrical fixtures and accessories (including outlets, generators, wiring, panel boards, and circuit breakers)
- concrete and asphalt mix

The contractor also must provide testing and inspection reports, including the following:

- certified manufacturer's test results
- functional test results for all electrical appliances and outlets
- bearing pressure soil analysis and compaction test results

Further, the contractor, upon completion of each facility under this contract, must prepare and furnish as-built drawings. The as-built drawings will be a record of the construction as installed and completed by the contractor. They will include all the information shown on the contract set of drawings, and all deviations, modifications, or changes from those drawings, however minor, which were incorporated in the work, including all additional work not appearing on the contract drawings, and all changes which are made after any final inspection of the contract work.

In addition, the contractor must provide performance specifications for new equipment and materials, and operations and maintenance (O&M) manuals for all equipment supplied. Finally, the contractor must provide a list of spare parts.

According to the SOW, where repair and refurbishment is required, the standards of the original design are to be used. Materials and equipment requiring replacement will be replaced with equipment that meets the original design intent of the facility, if not specified in the SOW. However, where new material or equipment has been specified in this project, or if the original material or equipment is determined to be inadequate for the proposed service, new items will be specified to Iraqi or equivalent international codes and standards.

The SOW required the contractor to provide and certify warranties in the name of the appropriate ministry of all material and equipment, which includes any mechanical, electrical, and/or electronic devices, and all operations for 12 months after final

acceptance of the entire project. The contractor must provide any other commonly offered extended warranties for material, equipment, and machinery purchased.

USACE provided SIGIR with the complete contractor design submittal packages, including the 30% and 90% design drawings. USACE documented difficulties encountered with the contractor regarding the lack of proper design submittals. USACE sent the contractor a Letter of Concern on 6 August 2008 regarding five contract requirements to which the contractor was not adhering. Using a proactive approach, the Gulf Region Central (GRC) Ramadi Resident Office visited the project site more frequently and for a longer duration to meet with the contractor and discuss the incomplete designs. This resulted in the contractor correcting the previous designs and ultimately producing proper design submittals.

SIGIR reviewed the 90% design drawings package submittal, which included architectural, electrical, mechanical, sanitary, and civil work drawings. The architectural drawings included floor plans, exterior and interior wall section views, room details, window and door schedules, and finish schedules and details. Electrical drawings contained diagrams showing conceptual layouts for electrical outlets, the location of ceiling and wall mounted fixtures, and single line diagrams. The mechanical drawings included details and locations for hot water heaters throughout the buildings.

In addition, the design drawings contained the following: site plans, elevations, and plumbing plans.

The contractor's design submittal included an overall conceptual site plan, which identified the location of all significant renovation and new construction specifically for the Rule of Law Complex (Figure 3). This included the court house complex, justice housing, and pre-trial confinement facility.

The design drawings and specifications appeared to be complete and consistent with the requirements of the contract.

Site Assessment

On 18 November 2008, SIGIR conducted an on-site assessment of the Anbar Rule of Law Complex. During the site visit, SIGIR was accompanied by representatives of the USACE GRC, Ramadi Resident Office, and the contractor. Due to security concerns, the total time available on site was approximately two hours. This afforded the SIGIR assessment team with the ability to collect information for a limited project overview; consequently, a complete review of all finished work was not possible.

At the time of the site visit, the IRRF-funded portion of the project was approximately 70% complete.

Courthouse Complex Renovation

The courthouse complex consists of three buildings, commonly referred to as the "left," "center," and "right" courthouses (Figure 4). The left courthouse will serve as the Juvenile Terrorism Court, the center courthouse will serve as the Ramadi Felony Court, and the right courthouse will serve as the Appellate Court.

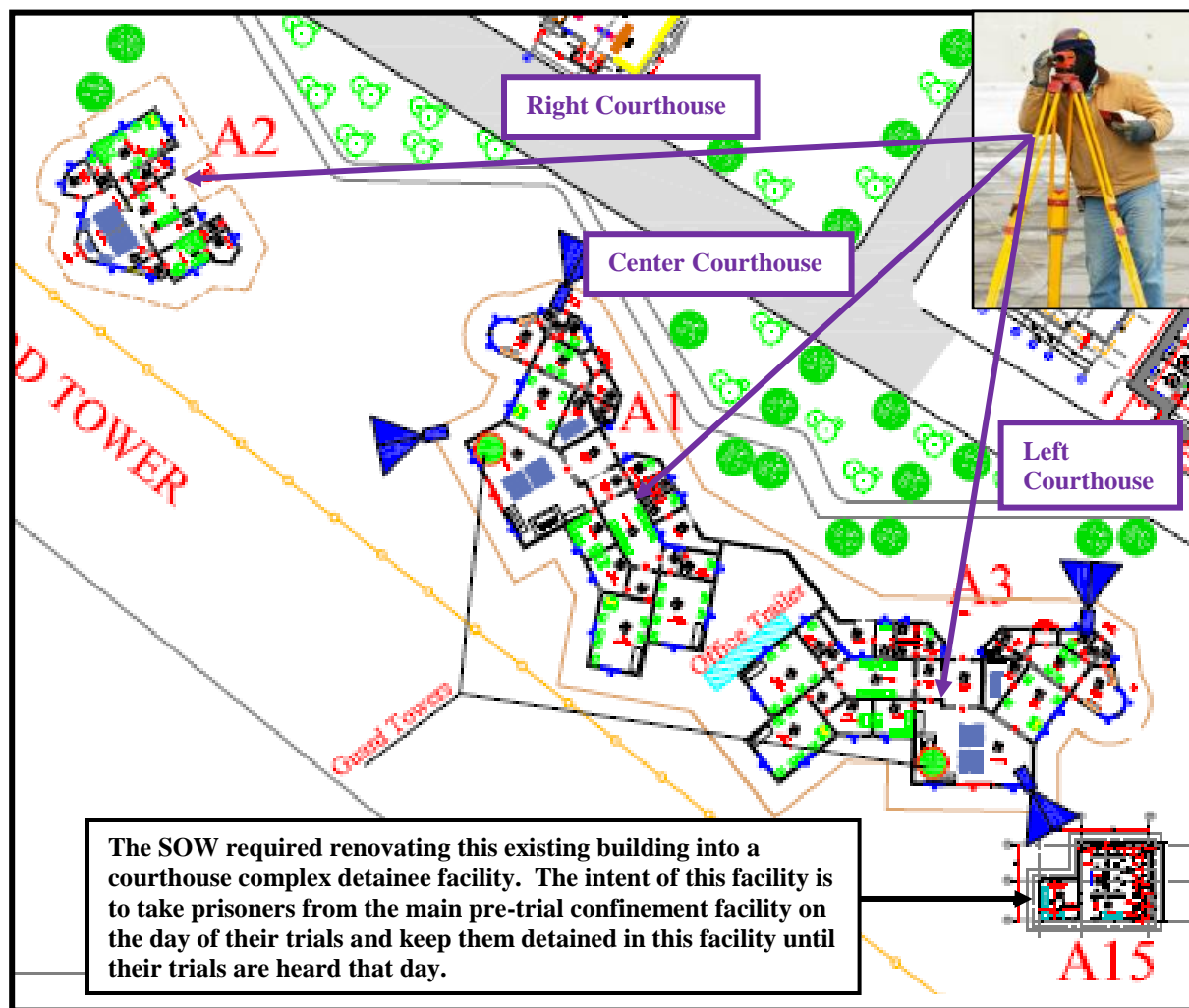


Figure 4. Three courthouse buildings to be renovated under this project
(Courtesy of USACE)

The renovation scope for the courthouse complex buildings included structural and exterior repair/renovation work, repairing acoustic ceilings and custom ceiling finishes, and interior building structure repairs.

In addition, the SOW required the renovation of an existing building into a courthouse complex detainee facility (Figure 4).

At the time of the site visit, the renovations to the exterior of courthouse complex buildings were complete and the interior renovations were nearly complete. Damaged portions of the exterior were either patched or replaced, exterior lights were installed, and the façade for the entire complex received a thorough cleaning. Site Photo 1 shows an example of the look of the exterior façade before and after renovation.



**Site Photo 1. Example of renovation work – cleaning of the exterior building
(Courtesy of USACE)**

The completed interior renovations included newly installed window and door frames, repairing and repainting the walls and ceilings, and installation of ceiling chandeliers (Site Photos 2 and 3). Site Photo 3 provides an example of the contractor's detailed workmanship.



Site Photos 2 and 3. Newly installed door frame and repaired and repainted ceilings and newly installed chandeliers

The partially completed work included routing the electrical conduit, electrical wiring, final plumbing connections, installation of drainage lines for the air conditioner units, and

molding preparation (Site Photo 4). SIGIR observed the contractor preparing molding for future installation (Site Photo 5).

All observed work in the exterior and interior of the courthouse complex buildings appeared to meet the standards of the design. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 4. Partially completed interior renovations Site Photo 5. Contractor preparing molding for future installation

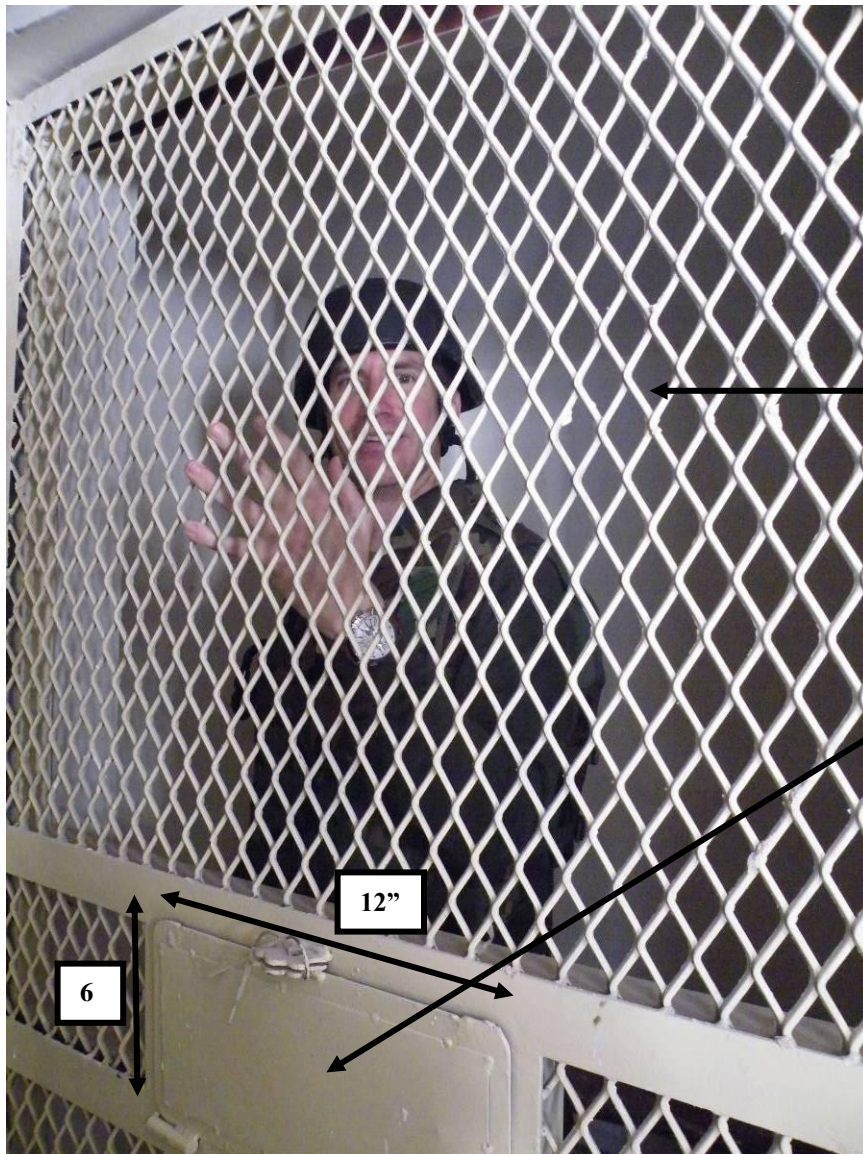
Courthouse Complex Detainee Facility

The SOW called for renovating an existing building into a courthouse complex detainee facility. This facility will serve as temporary holding cells for detainees whose cases will be heard on that particular day. Instead of having to bring each detainee individually from the pre-trial confinement facility, each day the specific detainees whose trials are that particular day will be brought into the detainee facility. When the detainee's case is called, the detainee will be close by and can quickly be transported to the courthouse. This will expedite the number of detainee cases heard each day.

The renovation scope for the courthouse complex detainee facility included plumbing work, heating, ventilation and air conditioning (HVAC) equipment, electrical work, and all furniture items.

SIGIR inspected the partially renovated detainee facility. The contractor manufactured the cell doors for this facility on site. SIGIR tested the cell doors and found them to be well constructed and met the requirements of the design (Site Photo 6 and Figure 5). The contractor had initiated plumbing work for each cell, which consists of an eastern-style toilet and sink. The contractor needs to complete the plumbing work and install the HVAC equipment before the facility will be available for use.

All observed work in the courthouse complex detainee facility appeared to meet the standards of the design. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 6. SIGIR Inspector testing quality of cell door

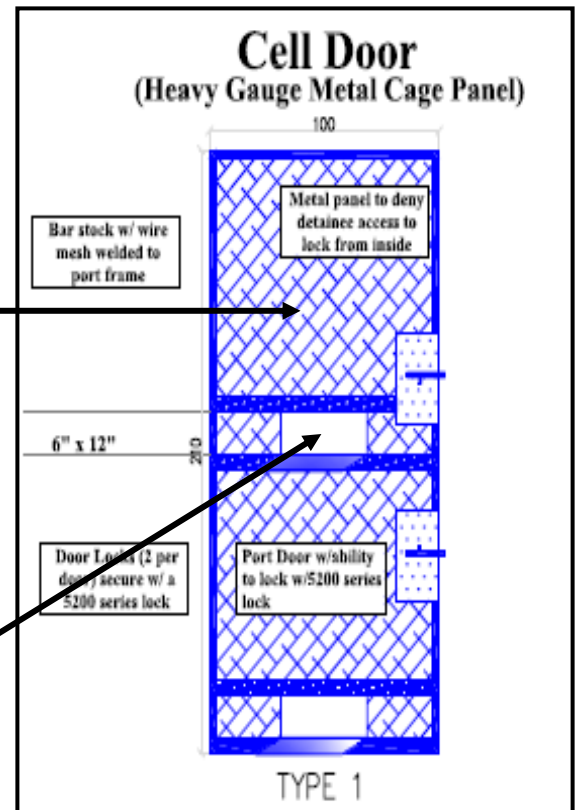


Figure 5. Detainee facility cell door design (Courtesy of the USACE)

Training and Multiple Purpose Facility Renovation

According to USACE GRC representatives, this facility was previously constructed by a local Iraqi company for use by the Marines. It is a single-story building approximately 30.5 meters long by 14.8 m wide (Site Photo 7). This building was previously constructed without any heating or air conditioning. It was poorly constructed and required renovations. The intent of the project was to transform this open-bay building into multiple individual rooms for training courses, as well as office and kitchen space (Site Photo 8 and Figure 6).

The renovation scope for the training and multiple purpose facility building included exterior and interior building structure work, electrical and plumbing work, HVAC equipment, and furniture installation.



Site Photo 7. Exterior view of the training facility



Site Photo 8. Interior view of the pre-existing facility – open bay (Courtesy of GRC)

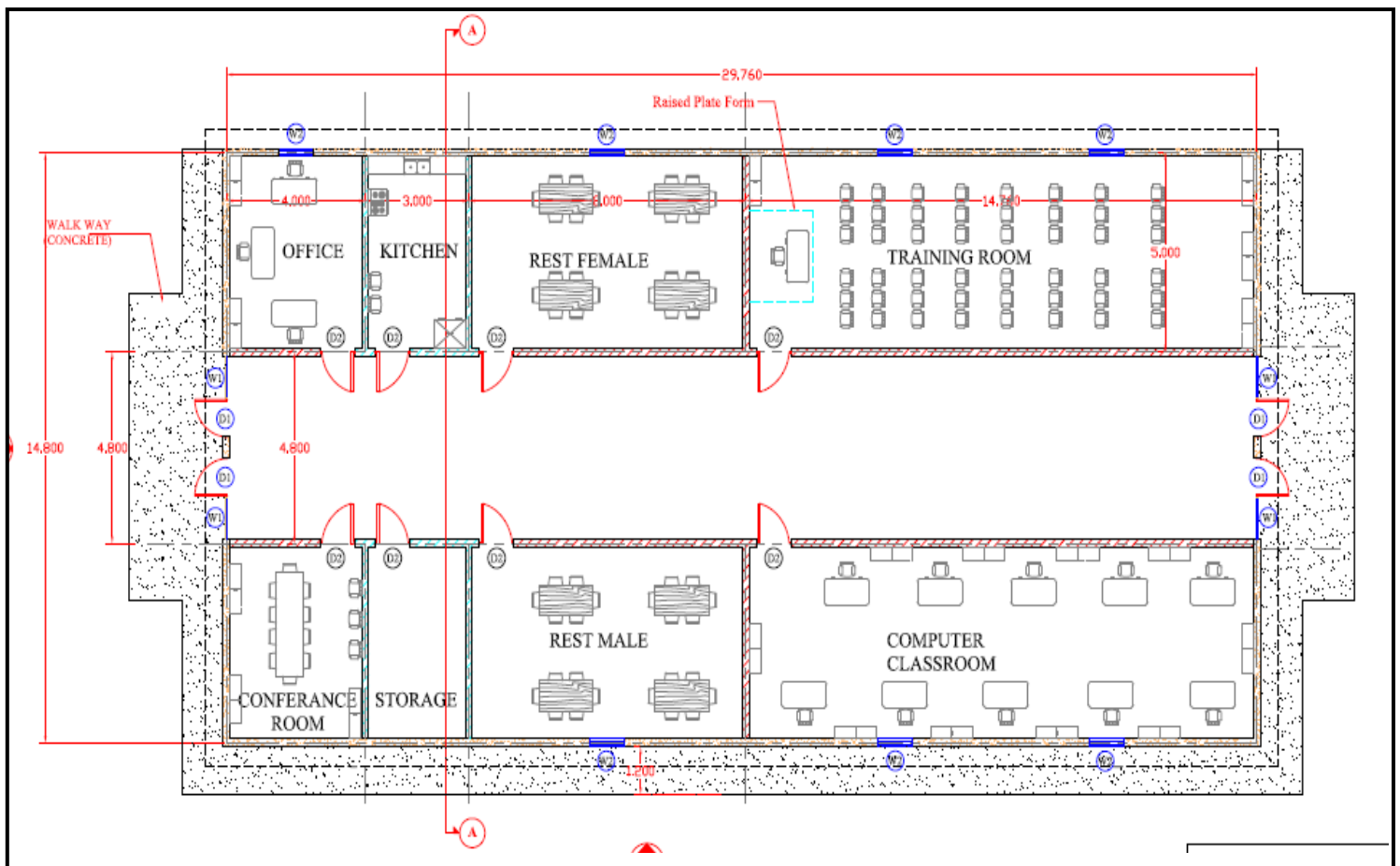


Figure 6. Design for turning previously existing open bay into multiple rooms (Courtesy of GRC)

At the time of the site visit, the contractor was still in the process of completing this facility. The contractor had divided the facility into the number of individual rooms required by the design; however, interior work remained (Site Photo 9). SIGIR observed the partial installation of the false ceiling framework which was required to store the duct work for the HVAC system and also observed individual rooms with limited utility work complete (Site Photo 10). The contractor will need to finish the floors, walls, ceilings, plumbing, and install the HVAC before this facility will be available for use.

All observed work in the exterior and interior of the courthouse complex buildings appeared to meet the standards of the design. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 9. Interior view of training facility



Site Photo 10. Current condition of bathroom

Generator Facility Renovation

The renovation scope for the generator facility included exterior and interior building structure work, ventilation apparatus to dissipate heat from the building, electrical work for the building, and electrical cable hook-up for the entire complex site.

SIGIR inspected the generator facility (Site Photo 11) and found the observed work in the exterior and interior appeared to meet the standards of the design. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 11. Exterior view of the generator facility

Office Facility Renovation

Due to time limitations on site, SIGIR did not have the opportunity to inspect this facility; therefore, SIGIR cannot make any determination regarding the adequacy of the construction.

General Observations

Even though the focus of the inspection was on IRRF-funded renovation and construction work, USACE GRC representatives provided SIGIR a tour of the majority of the complex, including renovation and construction work funded with IIGF and ISFF money.

SIGIR observed the perimeter wall and fence work, the renovation of various buildings, such as the café, barracks, and laundry facilities, and partial construction of the justice housing. All observed work appeared to meet the standards of the design. SIGIR did not find any noticeable defects associated with the quality of workmanship.

Project Quality Management

Contractor's Quality Control Program

Department of the Army Engineering Regulation (ER) 1180-1-6, dated 30 September 1995, provides general policy and guidance for establishing quality management procedures in the execution of construction contracts. According to ER 1180-1-6, "...obtaining quality construction is a combined responsibility of the construction contractor and the government."

The SOW required the contractor to perform all quality control (QC) throughout the duration of design, construction, installation, and testing and commissioning. The Resident/Project Engineer is responsible for monitoring all QC activities. The contractor must perform factory suggested field tests of primary components and be responsible for all testing at the site.

The contractor submitted a QC plan, which was accepted by the USACE GRC on 12 June 2008 as meeting the standards addressed in ER 1180-1-6.

The QC representatives monitored field activities and completed daily QC reports, which presented a brief background on the number of workers on site, the work activities performed, and major equipment on site. The QC representatives supplemented the daily QC reports with detailed photographs that reinforced the information provided in the reports.

Government Quality Assurance

The USACE ER 1110-1-12 and the Project and Contracting Office Standard Operating Procedure CN-100 specifies requirements for a government QA program. Similar to the QC program, a crucial oversight technique is presence at the construction site. The USACE GRC Ramadi Resident Office, which is responsible for the construction of the Anbar Rule of Law Complex project, has dedicated personnel on site. Local Iraqi national QA representatives monitored field activities and completed daily QA reports, which were reviewed by USACE GRC project engineer. The reports documented the number of workers on site and the work performed for the day. Also, the QA representatives supplemented the daily QA reports with detailed photographs that reinforce the information provided in the reports.

The single most important aspect of the QA program was the ability of the USACE GRC Ramadi Resident Office project engineer to visit the project site regularly. The ability to routinely visit the project site allowed the USACE GRC Ramadi Resident Office project engineer the opportunity to interact with the contractor and mentor his on-site local national QA representatives. For example, in August 2008, the contractor had submitted incomplete design drawings. The USACE GRC Ramadi Resident Office project engineer visited the project site to discuss the status of the designs directly with the contractor. These visits were crucial for correcting the incomplete designs and ultimately led to resolution of the issue. The USACE GRC Ramadi Resident Office project engineer also used the site visits to walk the job site and identify problem areas to ensure that any potential deficiencies were addressed early and often so they could be avoided. According to the project engineer, during these sessions he instructed the QA representatives on what to look for and how to head problems off before they become problems.

The USACE GRC Ramadi Resident Office's vigorous QA program is effective in monitoring the contractor's QC program and is ensuring the successful completion of the Anbar Rule of Law Complex project.

Project Sustainability

The SOW included sustainability elements to assist the Iraqi ministry ultimately responsible for operating this project after turnover. The contract specifications require that the contractor provide and certify warranties in the name of the appropriate ministry for all materials and equipment. In addition, contractor is required to perform operations and maintenance training appropriate to the facilities and equipment installed, constructed, or rehabilitated in the scope of this project along with providing operations and maintenance manuals. Specific contract requirements include:

Commissioning and Startup

The contractor will submit an operations and maintenance (O&M) manual, written in Arabic and English, at least two weeks prior to the startup of any portion of the facilities. The O&M manual will include standard operating procedures for all equipment and systems, and standard maintenance procedures and recommended spare parts lists for all equipment.

Training

After construction is complete, but before final acceptance and start of operations, the contractor must conduct site specific O&M training appropriate to the facilities and equipment installed, constructed, or rehabilitated in the scope of this project. A three-day on-site training session must be conducted to demonstrate normal O&M procedures for each element of the system to appropriate technical representatives from the city. A minimum of three O&M manuals written solely in Arabic detailing all training material will be provided for each site. The manuals will both verbally and graphically explain the systems, including frequency of normal preventative maintenance operations.

Operations and Maintenance Support

The contractor must provide O&M support for all facilities and equipment installed, constructed, or rehabilitated in the scope of this project. This support will be provided during the construction, start-up, a commissioning phase of the project, and will continue for a period of 90 days following the issuance of the Letter of Project Completion except as otherwise stated in the contractual requirements.

Spare Parts for All Equipment

For a minimum of 90 days or for the length of the additional O&M support services, after beneficial occupancy, or final acceptance, the contractor will provide all necessary parts for preventative maintenance.

Warranties

The contractor must provide and certify warranties in the name of the appropriate ministry of all material or equipments, which includes any mechanical, electrical, and/or electronic devices, and all operations for 12 months after final acceptance of the entire project. In addition, the contractor must provide any other commonly offered extended warranties for material, equipment, and machinery purchased.

Conclusions

Based upon the results of our site visit, we reached the following conclusions for assessment objectives 1, 2, 3, 4, and 5.

1. Determine whether project components were adequately designed prior to construction or installation.

The contractor's design was sufficient to renovate the existing facilities and construct new facilities to comprise the entire Anbar Rule of Law Complex. The design submittals included architectural, electrical, mechanical, and plumbing drawings. Design drawings and specifications appeared to be complete and consistent with the

requirements of the contract. The design provides enough information and detail for the contractor to renovate and construct the Anbar Rule of Law Complex.

2. Determine whether construction met the standards of the design.

During the 18 November 2008 site visit, renovation and construction work was still ongoing. Due to security concerns, the on-site visit was only two hours long. In general, the construction appeared to meet the Statement of Work standards. SIGIR did not observe significant deficiencies or any noticeable defects associated with the quality of workmanship during the site visit. The observed construction work associated with the Anbar Rule of Law Complex appeared to meet the standards of the contract.

3. Determine whether the contractor's quality control program and the U.S. government quality assurance program were adequate.

The contractor's quality control (QC) plan was sufficiently detailed to effectively guide the contractor's quality management program. The contractor submitted a QC plan, which based on SIGIR's review, met the standards addressed in Engineering Regulation 1180-1-6 (*Construction Quality Management*). The QC representatives monitored field activities and completed daily reports, which were reviewed by U.S. Army Corps of Engineers (USACE) Gulf Region Central (GRC) Ramadi Resident Office project engineer. The QC daily reports presented a brief background on the work activities performed and major equipment on site. The QC representatives supplemented the daily QC reports with detailed photographs that reinforced the information provided in the reports.

The U.S. government quality assurance (QA) program was effective in monitoring the contractor's QC program. USACE GRC Ramadi Resident Office had dedicated personnel on site. Local Iraqi national QA representatives monitored field activities and completed daily QA reports, which were reviewed by the GRC Ramadi Resident Office project engineer. The daily reports documented the work performed for the day. The QA representatives supplemented the daily QA reports with detailed photographs that reinforced the information provided in the reports.

The single most important aspect of the QA program was the ability of the GRC Ramadi Resident Office project engineer to visit the project site regularly. The project engineer visited the project site 3-4 times per week for approximately 6 hours at a time. The ability to routinely visit the project site allowed the project engineer the opportunity to interact with the contractor and mentor the on-site local national QA representatives. For example, in August 2008, the contractor submitted incomplete design drawings. The GRC Ramadi Resident Office project engineer visited the project site to discuss the current status of the designs directly with the contractor. These visits were crucial for correcting the incomplete designs and ultimately led to resolution of the issue.

The GRC Ramadi Resident Office's vigorous QA program is ensuring the successful completion of the Anbar Rule of Law Complex.

4. Determine if project sustainability was addressed.

Sustainability was addressed in the contract requirements. The contract specifications require the contractor to provide and certify warranties in the name of the appropriate ministry for all materials or equipment, including any mechanical, electrical and/or electronic devices, and all operations for one year after final acceptance of the entire

project. In addition, the contract required the contractor to conduct site-specific operations and maintenance training appropriate to the facilities and equipment installed, constructed, or rehabilitated in the scope of this project. The contractor must provide operations and maintenance manuals, written in Arabic and English, which include the standard operating procedures for all equipment and systems, and standard maintenance procedures and recommended spare parts lists for all equipment.

5. Determine whether project results were consistent with original objectives.

The Anbar Rule of Law Complex project results, to date, are consistent with the original project objectives. As a result of the renovation and construction, this rule of law complex will establish a secure environment in the Anbar province for Iraqi criminal justice officials to enforce the rule of law while being shielded from attacks and intimidation. Specifically, the renovation portion of this project will provide three separate courthouses for judges to hear cases, a pre-trial detention facility, and facilities for training and office purposes.

Recommendations and Management Comments

This report does not contain any recommendations for corrective action. Although management comments were not required, the Commanding General, Gulf Region Division (GRD) provided comments. GRD stated it reviewed the report and generally agreed with the facts as presented. However, the GRD believed that SIGIR needs to provide additional emphasis on the improved security conditions that currently exist in Iraq. Specifically, the GRD stated the prior situation concerning the almost pervasive atmosphere of fear and intimidation has been greatly ameliorated by U.S. forces and the Government of Iraq seems to be making progress towards a rule of law society. Finally, the GRD mentioned it objected to the use of USACE documentation to represent the state of the Iraqi judiciary. This report does not contain any recommendations for corrective action; therefore, management comments are not required.

Evaluations of Management Comments

SIGIR appreciates the GRD's comments to the draft report indicating it agreed with the facts presented in the report.

With respect to the GRD's belief that SIGIR should provide additional emphasis on the improved security conditions currently existing in Iraq, this is outside the scope of SIGIR's assessment. SIGIR cannot comment on the security conditions at the Anbar Rule of Law/Judicial Complex beyond stating that during the site visit, the U.S. military and GRD's personal security details were required to provide perimeter and individual security for the SIGIR inspection team. In addition, SIGIR was required to wear personal protective equipment at all times while inspecting the facilities.

In several instances, GRD took issue with or questioned the validity of statements in the draft of this report which we obtained from the GRD's project fact sheet for the Al Anbar Judicial Complex. For instance, in the Background section of the report, we cited information from the GRD project fact sheet which stated that "criminal judges are unable and/or unwilling to hear major crimes cases due to consistent threats and intimidation from terrorists and other anti-government forces..." GRD's comment to SIGIR regarding the inclusion of this information in our report was that, "We also suggest that 'are unable and/or unwilling' be changed to 'do not' unless SIGIR has

additional information on the thought processes of the Iraqi judiciary.” We modified the draft report in this instance to reflect GRD’s revised position and in others where appropriate to address the comments.

Appendix A. Scope and Methodology

SIGIR performed this project assessment from October 2008 through January 2009 in accordance with the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency. The assessment team included a professional engineer/inspector and two auditors/inspectors.

In performing this Project Assessment, SIGIR:

- Reviewed contract documentation to include the following: Contract W91GDW-07-D-2013, Delivery Order 0006, Delivery Order 0006 modification, and Statements of Work;
- Reviewed the available design packages (drawings and specifications), quality control reports, quality assurance reports, and construction progress photographs;
- Interviewed the U.S. Army Corps of Engineers Gulf Region Central personnel; and
- Conducted an on-site assessment and documented results at the Anbar Rule of Law/Judicial Complex.

Scope Limitation. Due to security concerns, the total time available on site was approximately 2 hours. This afforded the SIGIR assessment team with the ability to collect information for a limited project overview; consequently, a complete review of all finished work was not possible.

Appendix B. Acronyms

ER	Engineering Regulation
GOI	Government of Iraq
GRC	Gulf Region Central
GRD	Gulf Region Division
HVAC	Heating, Ventilation, and Air Conditioning
IIGF	Iraq Interim Government Fund
IRRF	Iraq Relief and Reconstruction Fund
ISFF	Iraq Security Forces Fund
JCP	Joint Campaign Plan
O&M	Operations and Maintenance
QA	Quality Assurance
QC	Quality Control
SIGIR	Special Inspector General for Iraq Reconstruction
SOW	Scope of Work or Statement of Work
USACE	United States Army Corps of Engineers

Appendix C. GRD Comments on the Draft Report



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
GULF REGION DIVISION
BAGHDAD, IRAQ
APO AE 09348

CEGRD-CG

14 January 2008

MEMORANDUM FOR Special Inspector General for Iraq Reconstruction, US Embassy Annex
II, Room 1013, APO AE 09316

SUBJECT: SIGIR Draft Project Assessment Report – Anbar Rule of Law/Judicial Complex,
Ramadi, Iraq, (SIGIR PA-08-152)

1. The Gulf Region Division reviewed the subject draft report. The enclosure provides additional comments for clarity and accuracy.
2. Thank you for the opportunity to review the draft report and provide our written comments for incorporation in the final report.
3. If you have any questions, please contact Mr. Robert Donner at (540) 665 5022 or via email Robert.L.Donner@usacc.army.mil.

Encl
as

Michael R. Eyre
MICHAEL R. EYRE
Major General, USA
Commanding

COMMAND REPLY
in
SIGIR Draft Project Assessment Report –
Anbar Rule of Law/Judicial Complex, Ramadi, Iraq
SIGIR Report Number PA-08-152

Overall Comment. The Gulf Region Division (GRD) reviewed the project assessment and generally agrees with the facts as presented in the study. However, we believe SIGIR needs to provide additional emphasis on the improved security conditions that currently exist in Iraq. The prior situation concerning the almost pervasive atmosphere of fear and intimidation has been greatly ameliorated by US forces and the GOI seems to be making progress towards a rule of law society. We specifically object to the use of USACE documentation to represent the state of the Iraqi judiciary.

Recommendations:

This project assessment report did not contain any recommendations for corrective actions.

GRD provides the following comments for clarity and accuracy.

1. Draft Report, page 1, fourth paragraph, first and third sentence. Throughout Iraq, criminal judges are unable and/or unwilling to hear major criminal cases due to consistent threats and intimidation from terrorists and other anti-government forces... House bombings, kidnappings, and assassination attempts are distressingly common.

Command Comment. We believe SIGIR needs to provide greater emphasis on the current improved conditions and change the word "are" to "were" in the referenced sentences. We also suggest that "are unable and/or unwilling" be changed to "do not" unless SIGIR has additional information on the thought processes of the Iraqi judiciary.

2. Draft Report, page 1, fifth paragraph, first sentence. The failure of these judicial officials to properly investigate, refer and try major criminal cases exacerbates existing overcrowding problems within virtually all detention centers in the vicinity of major operations.

Command Comment. Both the US and GOI forces have seen progress related to improved security conditions and the reduction in detainees. It is not clear which detention centers SIGIR is referring to in the "vicinity of major operations." SIGIR needs to clarify whether "vicinity of major operations" refers to major US combat operations and whether they are attempting to make a connection between US combat operations and the number of detainees. It is unclear what Figure 1 represents. In addition, the GOI announced major amnesty programs that have reduced the number of detainees and consequent overcrowding problems.

Enclosure

3. Draft Report, page 2, second paragraph, third sentence. In its first two months of operation, Iraqi lawyers at the center saw 500 of the 7,000 detainees imprisoned nearby.

Command Comment. We are confused about the meaning of the term “saw”. Is this the number of detainees that lawyers represented at their first judicial appearance, or the number of detainees who were able to hold a first meeting with their lawyer?

4. Draft Report, page 4, second paragraph, first sentence. Modification 01, dated 27 May 2008, added additional contract line item numbers and increased the total project cost by \$6,794,812 (from \$14,667,092 to \$21,461,905).

Command Comment. \$6,794,812 plus \$14,667,092 equals \$21,461,904, not \$21,461,905. We suggest SIGIR insert the word “about” prior to \$6,794,812.

5. Draft Report, page 4, fourth paragraph, first sentence. According to U.S. Army Corps of Engineers (USACE) documentation, throughout Iraq, criminal judges have been unable and/or unwilling to hear major criminal cases due to consistent threats and intimidation from terrorists and other anti-government forces.

Command Comment. GRD does not have documentation to support the Iraqi judiciary’s mental state. We suggest rewording the referenced statement to, “Throughout Iraq, criminal judges have not heard major criminal cases due in part to a past history of consistent threats and intimidation from terrorists and other anti-government forces.”

6. Draft Report, page 7, seventh paragraph, third sentence. Using a proactive approach, the USACE Gulf Region South (GRC) Ramadi Resident Office visited the project site more frequently and for a longer duration to meet with the contractor and discuss the incomplete designs.

Command Comment. The Ramadi Resident Office is located in Gulf Region Central (GRC) district, not the Gulf Region South referred to in the report. Delete the word USACE.

7. Draft Report, page 10, first paragraph, first sentence. The completed interior renovations consisted of newly installed window and door frames, repairing and repainting the walls and ceilings, and installation of ceiling chandeliers (Site Photos 2 and 3).

Command Comment. Change “consisted of”, in above referenced sentence, to “included.” The interior renovations included more than door frame and window installation, repairing and repainting walls and ceilings and installing ceiling chandeliers.

Appendix D. Report Distribution

Department of State

Secretary of State

Senior Advisor to the Secretary and Coordinator for Iraq

Director of U.S. Foreign Assistance/Administrator, U.S. Agency for
International Development

Director, Office of Iraq Reconstruction

Assistant Secretary for Resource Management/Chief Financial Officer,
Bureau of Resource Management

U.S. Ambassador to Iraq

Director, Iraq Transition Assistance Office

Mission Director-Iraq, U.S. Agency for International Development

Inspector General, Department of State

Department of Defense

Secretary of Defense

Deputy Secretary of Defense

Under Secretary of Defense (Comptroller)/Chief Financial Officer

Deputy Chief Financial Officer

Deputy Comptroller (Program/Budget)

Deputy Assistant Secretary of Defense-Middle East, Office of Policy/International
Security Affairs

Inspector General, Department of Defense

Director, Defense Contract Audit Agency

Director, Defense Finance and Accounting Service

Director, Defense Contract Management Agency

Department of the Army

Assistant Secretary of the Army for Acquisition, Logistics, and Technology

Principal Deputy to the Assistant Secretary of the Army for Acquisition,
Logistics, and Technology

Deputy Assistant Secretary of the Army (Policy and Procurement)

Commanding General, Joint Contracting Command-Iraq/Afghanistan

Assistant Secretary of the Army for Financial Management and Comptroller

Chief of Engineers and Commander, U.S. Army Corps of Engineers

Commanding General, Gulf Region Division

Chief Financial Officer, U.S. Army Corps of Engineers

Auditor General of the Army

U.S. Central Command

Commanding General, Multi-National Force-Iraq

Commanding General, Multi-National Corps-Iraq

Commanding General, Multi-National Security Transition Command-Iraq

Commander, Joint Area Support Group-Central

Other Federal Government Organizations

Director, Office of Management and Budget
Comptroller General of the United States
Inspector General, Department of the Treasury
Inspector General, Department of Commerce
Inspector General, Department of Health and Human Services
Inspector General, U.S. Agency for International Development
President, Overseas Private Investment Corporation
President, U.S. Institute for Peace

Congressional Committees

U.S. Senate

Senate Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Foreign Relations
Senate Committee on Homeland Security and Governmental Affairs

U.S. House of Representatives

House Committee on Appropriations
House Committee on Armed Services
House Committee on Oversight and Government Reform
House Committee on Foreign Affairs

Appendix E. Project Assessment Team Members

The Office of the Assistant Inspector General for Inspections, Office of the Special Inspector General for Iraq Reconstruction, prepared this report. The principal staff members who contributed to the report were:

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